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738-080-0030

#### Temporary Exemption from Registration of Manned Aircraft

(1) Aircraft not physically capable of operation or flight may be temporarily exempt from the requirement of annual registration by the Oregon Department of Aviation (Department). [*: (a)*] “Not physically capable of operation and flight” means any aircraft that is not capable of [*: (A) B*] **being operated in forward motion on the ground or in flight**[*;*];

[(B)] **(a) Eligibility.** The need for **preventive maintenance or** repairs to the aircraft such as flat tires, broken windows or other short term maintenance items that are normally required are not considered adequate justification for an exemption. **See Federal Aviation Regulations, PART 43, Appendix A (c) for guidance on “preventive maintenance.”** [*;*]

[(C)] **(b)** An aircraft that is grounded merely because it has not had appropriate inspections required by the Federal Aviation Administration is not eligible for exemption[*;*];

[(D)] *An aircraft must be incapable of physical operation or flight for a period of time that extends beyond March 1 of each calendar year to be eligible for exemption.*

[(b)] **(c)** An aircraft that is under construction, or one that is disassembled waiting reassembly, may be exempt from registration until it is physically capable of operation or flight.

[(2)] **(d)** The Director of the Department or the Director’s designee shall make the final determination as to which aircraft may be temporarily exempt from registration[*;*];

[(a)] *The owner of any aircraft that has been assigned a Federal Aviation Administration “N” number must complete an application for registration within the prescribed time limits. (Prior to March 1 or within 60 days of entering the state or being purchased.);*

[(b)] **(2)** An aircraft owner [*that*] **who** believes an aircraft [*to be*] **is** not physically capable of operation or flight [*shall prepare a*] **must submit a signed “Request for Temporary Exemption”** statement giving the reasons why it should be temporarily exempted from registration. [*This statement shall be signed and shall accompany the application for registration;*]

[(A)] **(a)** [*This*] **The** statement must be received by the Department 30 days before the **aircraft registration expiration** deadline. This will allow time for the Director of the Department or **the Director’s designee** to determine the eligibility for exemption from registration[*;*];

[(B)] *Following the Administrator’s determination, the aircraft owner will be notified as to exemption status;*

[(C)] **(b)** If the exemption is denied, the aircraft owner will be notified. The owner must then submit the appropriate **aircraft** registration fee to the Department [*by the established deadline to avoid assessment of penalty and possible citation for “failure to register”;*] **within 30 days of notification that the exemption is denied.**

[(D)] **(c)** An aircraft owner may request a review of the Director of the Department or the Director’s designee’s decision after payment of the appropriate registration fee has been

submitted. Such review may include an informal discussion with the Director of the Department or the Director's designee of the aircraft's status[;].

*[(E) Receipt of an application for registration, with accompanying exemption statement, subsequent to the appropriate deadline will result in assessment of the prescribed penalty if the request for exemption is denied.]*

(3) A temporary exemption from registration under this [*section shall only*] **rule will** be effective for [*the calendar year in which the exemption is granted*] **one year from the registration deadline**. A new [*application and*] **exemption** statement must be submitted each year within the time frame specified in paragraph (2)[*(b)(A)*] of this rule [*for the original statement*].

Stat. Auth.: ORS 835.035, 835.112, 837.005

Stats. Implemented: ORS 835.035, 835.112